

Senator Stratton moved to adjourn till 9 o'clock to-morrow.

Lost by the following vote:

YEAS—13.

Buchanan,
Chesley,
Collins,
Fleming,
Getzendaner,

Gibbs,
Johnson of Shelby,
Kleberg,
Martin,

Patton,
Peacock,
Stratton,
Terrell.

NAYS—14.

Cooper,
Davis,
Farrar,
Fowler,
Gooch,

Johnson of Collin,
King,
Matlock,
Perry,
Pfeuffer.

Pope,
Randolph,
Shannon,
Traylor.

Senator Gooch moved to suspend regular order of business and take up Senate bill No. 293, "An act to amend title 15, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b."

Adopted, and bill taken up with House amendment.

Senator Gooch moved that the Senate concur in House amendment.

Adopted.

Senator Perry moved to suspend the regular order of business and take up Senate bill No. 43, "An act to amend article 2231, chapter 2, title 38, of the Revised Statutes of the State Texas, providing for taking the depositions of witnesses."

Adopted, bill taken up, and read second time.

Senator Terrell offered the following amendment:

SEC. —. The near approach of the end of the session, and the importance of the legislation herein provided for, creates an emergency and imperative public necessity that the rule requiring acts to be read on three several days be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Adopted.

Senator Perry moved to suspend the constitutional rule and place bill on its third reading.

Adopted by the following vote:

YEAS—21

Chesley,
Collins,
Cooper,
Farrar,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Johnson of Collin,
Johnson of Shelby,
King,
Kleberg,
Martin,
Peacock,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Chesley,
Collins,
Cooper,
Farrar,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Johnson of Collin,
King,
Kleberg,
Martin,
Peacock,
Perry,

Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—none.

Senator Randolph moved to suspend the regular order of business and take up Senate bill No. 368, "An act to provide for the election of a district attorney in the seventeenth judicial district at the next general election."

Adopted, and bill taken up, read second time and ordered engrossed.

Senator Randolph moved to further suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,
Chesley,
Collins,
Cooper,
Farrar,
Fleming,
Fowler,
Getzendaner,

Gibbs,
Gooch,
Johnson of Collin,
Johnson of Shelby,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Randolph,
Shannon,
Traylor.

NAYS—none.

Bill read third time and passed.

Senator Gooch moved to suspend the regular order of business and take up House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes."

Adopted, and bill taken up and read second time, with unfavorable committee report.

Senator Shannon moved to adopt the committee report.

The Senate refused to adopt the unfavorable report of the committee by the following vote:

YEAS—11.

Buchanan,
Chesley,
Farrar,
Fowler,

Getzendaner,
Kleberg,
Martin,
Patton,

Perry,
Shannon,
Terrell.

NAYS—15.

Collins,
Cooper,
Davis,
Fleming,
Gibbs,

Gooch,
Johnson of Collin,
King,
Matlock,
Peacock,

Pfeuffer,
Pope,
Randolph,
Stratton,
Traylor.

The House concurrent resolution to provide for the pay of the Eighteenth Legislature was referred to the Committee on Finance.

Senator Chesley moved to adjourn till 10 o'clock to-morrow.

Lost by the following vote:

YEAS—11.

Buchanan,
Chesley,
Farrar,
Fowler,

Getzendaner,
Kleberg,
Martin,
Patton,

Perry,
Shannon,
Terrell.

NAYS—15.

Collins,
Cooper,
Davis,
Fleming,
Gibbs,

Gooch,
Johnson of Collin,
King,
Matlock,
Peacock,

Pfeuffer,
Pope,
Randolph,
Stratton,
Traylor.

Pending bill passed to third reading.

On motion of Senator Martin, the Senate adjourned until to-morrow morning at 10 o'clock.

SEVENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 12, 1883. }

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Senator Kleberg moved to dispense with the reading of yesterday's journal.

Adopted.

The following messages were received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

SIR:—I am instructed to inform the Senate that the House has passed Senate bill No. 333, "An act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas, for the purpose of erecting a public building thereon," by

a two-thirds vote (ayes 55, nays 27), notwithstanding the Governor's veto. Respectfully,

J. W. BOOTH,
Chief Clerk.

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

SIR:—I am directed to inform the Senate that the House has passed by a two-thirds vote (ayes 74, nays 8), and under a suspension of the constitutional rule, House bill No. 549, "An act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor."

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed Senate bill No. 354, "An act to be entitled an act to repeal so much of an act entitled 'an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston."

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Mr. President:

I am directed by the House, in compliance with the request of the Senate, to return to you Senate bill No. 351, "An act to amend an act entitled 'an act to prescribe the times of holding the district court in the ninth judicial district,' approved April 9, 1879."

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 11, 1883.

Mr. President:

I am instructed to inform the Senate that the House has adopted the report of the conference committee on the differences between the two houses on Senate substitute for House bill No. 528, "An act to create a land board to investigate alleged land frauds," etc.

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

SIR: I am directed to inform the Senate that the House has passed, with amendments, Senate bill No. 220, "An act to amend the first section of an act entitled 'an act for the relief of persons, firms or associations of persons who have procured licenses and complied with the law authorizing them to pursue the occupation of liquor dealers, when they have been or may be prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor,' approved May 5, 1882."

J. W. BOOTH,
Chief Clerk.

Senator Pfeuffer, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred House concurrent resolution "Appropriating from the contingent fund of the House of Representatives of the Eighteenth Legislature an amount sufficient to pay the per diem due members and employees of said Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 43, "An act to amend article 2231, chapter 2, title 43, of the Revised Statutes of the State of Texas, providing for taking the depositions of witnesses."

Also, Senate bill No. 368, being "An act to provide for the election of a district attorney in the twelfth judicial district at the next general election."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Martin moved to excuse Senator Terrell until noon to-morrow.

Adopted.

Senator Johnston of Shelby moved to excuse Senator Pope indefinitely, on account of sickness.

Adopted.

Senator Pfeuffer asked indefinite leave of absence.

Which was granted by the Senate.

Senator Terrell offered the following resolution:

"Resolved, That the Sargeant-at-Arms be directed to procure a suitable frame (from the contingent fund of the Senate) for the portrait of Chief Justice John Hemphill, to be hung in the Capitol, and at a cost not to exceed fifty dollars."

Adopted.

Senator Traylor moved to take up concurrent resolution, "Appropriating from the contingent fund of the House of Representatives of the Eighteenth Legislature, an amount sufficient to pay the per diem due members and employees of said Legislature," which was taken up and read second time.

Senator Johnston of Shelby moved to suspend the rules and place the resolution on its third reading.

Adopted by the following vote:

YEAS—21.

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Perry, |
| Collins, | Johnston of Shelby, | Pfeuffer, |
| Fleming, | King, | Randolph, |
| Fowler, | Kleberg, | Shannon, |
| Getzendaner, | Martin, | Stratton, |
| Gibbs, | Patton, | Terrell, |
| Gooch, | Peacock, | Traylor. |

NAYS—none.

Resolution read second time and passed to third reading.

On motion of Senator Traylor, rules were suspended and resolution placed on its third reading by the following vote:

YEAS—22.

| | | |
|--------------------|---------------------|-----------|
| Chesley, | Johnston of Shelby, | Perry, |
| Collins, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Terrell, |
| Gooch, | Peacock, | Traylor. |
| Johnson of Collin, | | |

NAYS—none.

Resolution read third time and passed by the following vote:

YEAS—22.

| | | |
|--------------------|---------------------|-----------|
| Chesley, | Johnston of Shelby, | Perry, |
| Collins, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Terrell, |
| Gooch, | Peacock, | Traylor. |
| Johnson of Collin, | | |

NAYS—none.

Senator Terrell moved to suspend the regular order of business and take up House bill No. 194, "An act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b."

Adopted, and bill taken up.

Senator Terrell moved to refer the bill to Judiciary Committee No. 1.

Adopted, and bill so referred.

Senator Johnston of Shelby, chairman of Committee on Penitentiaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Penitentiaries, to whom was referred House bill No. 549, entitled "An act to provide for the efficient management of the Texas State penitentiaries, and to make an appropriation therefor," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass, with the attached amendments.

All of which is respectfully submitted.

JOHNSTON, Chairman.

[COMMITTEE AMENDMENTS.]

First amendment. In section 2 strike out the words "not to exceed two thousand dollars," and insert "not to exceed three thousand dollars."

Second amendment. In section 3 strike out the appropriation, as it is provided in the general appropriation bill. The words stricken out are as follows: "and for the purpose of carrying out the objects above mentioned, there shall be and is hereby appropriated all the proceeds and income of the penitentiaries, convicts and property, and in addition to the \$50,000 in the general appropriation bill, the further sum of \$50,000."

Senator Stratton submitted the following minority report on Senate bill No. 384, "An act to amend title 20 of the Revised Civil Statutes of the State of Texas, by adding thereto another chapter, with its several articles, to be known as chapter 14:"

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred Senate bill No. 334, "To amend title 20 of the Revised Civil Statutes, by adding thereto another chapter, with its several articles," the same being such an amendment to the general incorporation laws of this State as to authorize the formation of corporations, companies or associations of individuals, and individual private capital for the improvement of our coast harbors and for the building of piers, breakwaters," etc., respectfully dissents from the views of the majority of said committee, because it is not believed that the powers are so large and the grants under the bill so great as to imperil any public interest or to trespass upon any private rights. In short, there is no greater power conferred upon the corporation framed under this bill than the past and present policy of this State confers upon railroad companies; besides these railroad companies have been largely aided by donations of lands from the State, and the good results that have been felt in the section of Texas through which they pass has justified the action which conceived and perfected that policy. Then why halt in that policy, which did so much, and to now place a barrier to capital investing in enterprises of public utility and benefit, which ask only the right so to do, and seek not land or other donations in aid of the grand work they would undertake upon the coast? Is it because Texas desires to close her harbors, and that with her great length of coast line to transfer to the advancement of other States the rich reward of commercial enterprise, and that she will permit other States and people to reap where she has sown, and to levy tribute from the toil of her own people? No people who neglect their coast and its commercial advantages can do so with safety to either progress or social well being.

Let us take the same course as those who have shown how great a prosperity has resulted from commerce. The National government has let go its policy of improving rivers and harbors, and defeated the river and harbor bill. The State builds railroads, aids them by land donations, even to the extent of whole counties passing into the hands of monopolies, but denies to the coast the poor privilege of receiving the benefit of associated enterprise and capital which would come without State aid, if allowed to organize. I therefore most earnestly recommend the passage of the bill.

All of which is respectfully submitted.

A. E. STRATTON.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 194, entitled "An act to amend title 32, chapter 17, of the

Revised Statutes of the State of Texas, by adding thereto articles 1639a, and 1639b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Shannon, chairman Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 290, entitled "An act to amend article 4227, title 84, chapter 10, of the Revised Civil Statutes of the State of Texas," have considered the same, and are of opinion that the bill should not pass, and I am so instructed to report.

Article 4227 reads as follows: "In case of refusal by such corporations, or their agents, so to take and transport any passenger or property, or to deliver the same, or either of them, at the regular or appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit."

The bill under consideration proposes to amend the article above cited by the insertion of the word "willful" before the word "refusal," in first line of said article, and the words "willful or negligent," before the words "to deliver," in second line; and by adding to the article the following language: "Provided, special damages shall be construed so as to embrace reasonable profits."

Your committee are of opinion that the article sought to be amended gives much better protection to shippers and passengers in its present shape than it would if amended as proposed in this bill. That, in fact, the conditions sought to be injected into the article, would, in their judgment, render the law entirely nugatory.

All of which is respectfully submitted.

SHANNON, Chairman.

Senator Gooch moved to suspend regular order of business and take up House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes."

Adopted, and bill taken up, read third time and passed.

On motion of Senator Farrar, the message, with accompanying bill, was referred to Judiciary Committee No. 1. Senator Fowler moved to suspend the regular order of business and take up House bill No. 194, "An act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b."

Adopted, and bill taken up and read second, time and passed to third reading.

On motion of Senator Fowler, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock, |
| Collins, | Johnston of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fowler, | Kleberg, | Randolph, |
| Getzendaner, | Martin, | Stratton, |
| Gibbs, | Matlock, | Terrell, |
| Gooch, | Patton, | Traylor. |

NAYS—none.

Bill read third time and passed.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 326; together with the message of the Governor vetoing the same, have considered both, and instruct me to report that the objections of the Governor to said bill are valid. They instruct me further to report a recommendation that the bill do pass, with the following amendment:

Strike out the words, in article 130, "during good behavior, and as long he proves efficient," and insert in lieu thereof the words "for the period of two years." This change obviates the Governor's objections.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

On motion of Senator Farrar, the committee amendment was adopted.

On motion of Senator Terrell, rules were suspended to place bill on its second reading by the following vote:

YEAS—19.

| | | |
|--------------|--------------------|-----------|
| Chesley, | Houston, | Peacock, |
| Collins, | Johnson of Collin, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Terrell, |

NAYS—none.

Bill read second time and ordered engrossed.

On motion of Senator Terrell, rules were suspended to place the bill on its third reading by the following vote:

YEAS—25.

| | | |
|--------------|--------------------|-----------|
| Chesley, | Houston, | Peacock, |
| Collins, | Johnson of Collin, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Terrell, |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—21.

| | | |
|--------------|--------------------|-----------|
| Chesley, | Houston, | Peacock, |
| Collins, | Johnson of Collin, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Terrell, |

NAYS—none.

The President signed House bill No. 59, "An act to amend sections 1, 2 and 9 of an act entitled 'an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof,' approved April 19, 1879."

House bill No. 84, "An act to amend article 787, title 23, of the Revised Civil Statutes of the State of Texas."

Senator Shannon offered the following resolution:

WHEREAS, The Constitution of the State, in article 3, section 9, requires the Senate, at the close of the session, to elect one of its members President pro tempore; and

WHEREAS, The present session is now near its close; therefore be it Resolved, That the Senate at once proceed to the election of a president pro tempore.

Postponed, on motion of Senator Shannon, till 3 p. m.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 441, entitled "An act to make telegraph corporations, and individuals owning or operating telegraph lines in the State of Texas, common carriers," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

Our Supreme Court, in the case of the Western Union Telegraph Company v. Neil, (unreported), declares that "the great weight of authority, and which, from the nature of the employment of telegraph companies, seems founded upon reason, is that though, in some essential particulars, they partake of the character of common carriers, they are not strictly such, and should not be held to the same degree of strict responsibility."

This doctrine, enunciated by our court, is supported by a number of authorities and decisions, from one of which only your committee deem it necessary to quote, viz: In Leonard v. the New York, Albany, etc., Telegraph Company, (42 N. Y., 544), Hunt J., says:

"I can find no authority, and can discover no principle upon

which to charge such a company with the absolute liability of a common carrier." Again, after referring to the principles applicable to common carriers, the justice says: "Whether his liability is based upon the contract he makes or upon his public duty, the telegrapher does not come within any of these principles. He has no property entrusted to his care; he has nothing which he can steal, or which can be taken from him. There is no subject of concealment or conspiracy; he has in his possession nothing which, in its nature and of itself, is valuable. It is an idea, a thought, a sentiment, impalpable, invisible, not the subject of theft or sale, and as property, quite destitute of value. He can not himself, see, hear or feel the subject of his charge. He submits an idea to a mysterious agency, which carries it to its destination, and delivers it to one there at hand to receive it. He is bound to conduct the business appertaining to this pursuit with skill, with care and with attention."

Your committee are therefore unwilling in face of precedent and authority authority to recommend a bill which, in its application, would prove oppressive and unjust to the interest proposed to be regulated, and from the very nature and character of the employment of the telegrapher and the rules sought to be invoked for his regulation prove in its adaptation to his business and destructive to his interest.

PATTON, Chairman.

Senator Randolph moved to suspend the regular order of business and take up Senate bill No. 355, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Madison county, and to conform the jurisdiction of the district court of said county to such change."

Adopted, bill taken up, read second time and ordered engrossed.

Senator Randolph moved to suspend the constitutional rule and place bill on its third reading.

Adopted by the following vote:

YEAS—22.

| | | |
|--------------|--------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock, |
| Collins, | Johnson of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Traylor, |
| Gooch, | | |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

| | | |
|--------------|--------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock, |
| Collins, | Johnson of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Getzendaner, | Matlock, | Stratton, |
| Gibbs, | Patton, | Traylor, |
| Gooch, | | |

NAYS—none.

Senator Matlock moved to suspend the regular order of business and take up House bill No. 84, "An act to amend article 787, title 23, of the Revised Civil Statutes of the State of Texas."

Adopted, and bill taken up, read second time and passed to its third reading.

Senator Matlock moved to suspend the constitutional rule to place bill on its third reading.

Adopted by the following vote:

YEAS—8.

| | | |
|----------|--------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock, |
| Collins, | Johnson of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Gibbs, | Martin, | Shannon, |
| Gooch, | Matlock, | Stratton, |
| Houston, | Patton, | Traylor, |

NAYS—none.

Bill read third time and passed by the following vote:

| | | |
|----------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock |
| Collins, | Johnston of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Gibbs, | Martin, | Shannon, |
| Gooch, | Matlock, | Stratton, |
| Houston, | Patton, | Traylor. |

NAYS—none.

Senator Peacock moved to suspend the regular order of business and take up House bill No. 496, "An act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to such change."

Adopted, bill taken up, read second time and passed to third reading.

Senator Peacock moved to suspend the constitutional rule and place the bill on its third reading.

Adopted by the following vote:

| | | |
|----------|---------------------|-----------|
| Chesley, | Houston, | Patton, |
| Collins, | Johnson of Collin, | Peacock, |
| Farrar, | Johnston of Shelby, | Perry, |
| Fleming, | King, | Pfeuffer, |
| Fowler, | Kleberg, | Shannon, |
| Gibbs, | Martin, | Stratton, |
| Gooch, | Matlock, | Traylor. |

NAYS—none.

Bill read third time and passed by the following vote:

| | | |
|----------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock, |
| Collins, | Johnston of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Gibbs, | Matlock, | Stratton, |
| Gooch, | Patton, | Traylor. |
| Houston, | | |

NAYS—none.

Senator Traylor moved to suspend the regular order of business to take up Senate bill No. 172, "A bill to amend article 4572 of the Revised Civil Statutes, and to provide the manner of proving estrays."

Adopted.

Bill taken up and read second time.

Senator Traylor offered the following amendment:

SEC. —. The late hour of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended; and it is so enacted.

Adopted, and bill, as amended, ordered engrossed.

Senator Traylor moved to suspend the constitutional rule requiring bills to be read on three several days and place bill on its third reading.

Adopted by the following vote:

| | | |
|----------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Peacock |
| Collins, | Johnston of Shelby, | Perry, |
| Farrar, | King, | Pfeuffer, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Gibbs, | Matlock, | Stratton, |
| Gooch, | Patton, | Traylor. |
| Houston, | | |

NAYS—none.

Bill read third time and passed by the following vote:

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Perry, |
| Collins, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | King, | Randolph, |
| Fleming, | Kleberg, | Shannon, |
| Getzendaner, | Martin, | Stratton, |
| Gibbs, | Matlock, | Terrell, |
| Gooch, | Patton, | Traylor. |
| Houston, | Peacock | |

NAYS—none.

Senator Matlock moved to suspend the regular order of business to take up Senate bill No. 220, "An act to amend the first section of an act entitled 'an act for the relief of persons, firms and associations of persons who have procured licenses and complied with the law authorizing them to pursue the occupation of liquor dealers, where they may be or have been prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor,' approved May 3, 1882."

Adopted, and bill taken up, with House amendment.

Senator Matlock moved that the Senate concur in House amendment.

Adopted.

Senator Chesley moved to suspend the regular order of business and take up House bill No. 514, "An act to provide for the efficient management of the Texas State penitentiaries, and to make an appropriation therefor."

Adopted, and bill taken up.

Senator Johnston of Shelby moved to suspend the constitutional rule to place bill on its second reading.

Adopted by the following vote:

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Perry, |
| Collins, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | King, | Randolph, |
| Fleming, | Kleberg, | Shannon, |
| Getzendaner, | Martin, | Stratton, |
| Gibbs, | Patton, | Terrell, |
| Gooch, | Peacock, | Traylor. |
| Houston, | | |

NAYS—none.

Bill read second time, and the committee amendments adopted.

Bill, as amended, was ordered engrossed.

Senator Gooch moved to suspend the constitutional rule requiring bills to be read on three several days and place bill on its third reading.

Adopted by the following vote:

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Perry, |
| Farrar, | Johnston of Shelby, | Pfeuffer, |
| Fleming, | King, | Randolph, |
| Fowler, | Kleberg, | Shannon, |
| Getzendaner, | Martin, | Stratton, |
| Gibbs, | Matlock, | Terrell, |
| Gooch, | Patton, | Traylor. |
| Houston, | Peacock, | |

NAYS—none.

Bill read third time and passed by the following vote:

| | | |
|--------------|---------------------|-----------|
| Chesley, | Johnson of Collin, | Perry, |
| Farrar, | Johnston of Shelby, | Pfeuffer, |
| Fleming, | King, | Randolph, |
| Getzendaner, | Kleberg, | Shannon, |
| Gibbs, | Martin, | Stratton, |
| Gooch, | Matlock, | Terrell, |
| Houston, | Peacock, | Traylor. |

NAYS—2.

Collins,

Patton.

On motion of Senator Gibbs, the Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The President in the chair.

Roll called. Quorum present.

Senator Fleming moved to suspend the regular order of business and take up Senate bill No. 253, an act to be entitled "An act for the relief of W. S. Anderson, providing

for the refunding by the State of certain taxes illegally collected."

Adopted, and bill taken up and read second time.
Senator Fleming offered the following amendment:
Amend by adding:

SEC. 4. The near approach of the close of the session, and the fact that the merits of the case demand speedy restitution of the money so unlawfully collected, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage; and it is so enacted.

Adopted, bill read second time and ordered engrossed.

On motion of Senator Fleming, rules were suspended to put the bill on its third reading by the following vote:

YEAS—24.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Matlock, |
| Chesley, | Gooch, | Patton, |
| Collins, | Houston, | Perry, |
| Cooper, | Johnson of Collin, | Pfeuffer, |
| Farrar, | Johnston of Shelby, | Randolph, |
| Fleming, | King, | Shannon, |
| Fowler, | Kieberg, | Stratton, |
| Getzendaner, | Martin, | Traylor. |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—21.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Gooch, | Patton, |
| Chesley, | Houston, | Peacock, |
| Collins, | Johnson of Collin, | Perry, |
| Cooper, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | King, | Randolph, |
| Fleming, | Kieberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Gibbs, | Matlock, | Traylor. |

NAYS—1.

Getzendaner.

Senator Fleming moved to suspend the regular order of business to take up Senate bill No. 335, a bill to be entitled "An act to validate the sales of certain lots and blocks of land in the town of Coleman, Coleman county, made at private sale between the first day of September, A. D. 1876, and the first of January, 1883, by J. F. Miles and W. O. Reed, commissioners for Coleman county."

Adopted, and bill taken up and read second time.

Senator Fleming offered the following amendment:

SECTION 2. Whereas, the close of the session is near at hand, and it is necessary that the citizens interested in the passage of this law immediately perfect their titles, therefore, the existence of such fact creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted."

Adopted and bill ordered engrossed.

Senator Fleming moved to suspend the constitutional rule to place bill on its third reading.

Adopted by the following vote:

YEAS—24.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Patton, |
| Chesley, | Houston, | Peacock, |
| Collins, | Johnson of Collin, | Perry, |
| Cooper, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | King, | Randolph, |
| Fleming, | Kieberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Matlock, | Traylor. |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

| | | |
|-----------|--------------|---------------------|
| Bachanan, | Fleming, | Houston, |
| Chesley, | Fowler, | Johnson of Collin, |
| Collins, | Getzendaner, | Johnston of Shelby, |
| Cooper, | Gibbs, | King, |
| Farrar, | Gooch, | Kieberg, |

Martin,
Matlock,
Patton,
Peacock,

Perry,
Pfeuffer,
Randolph,
Shannon,

Stratton,
Traylor.

NAYS—none.

The President signed Senate bill No. 351, to amend an act entitled "An act to prescribe the times of holding the district courts in the ninth judicial district," approved April 9, 1879.

Senate bill No. 354, an act to be entitled "An act to repeal so much of an act entitled 'an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston."

Senate bill No. 293, "An act to amend title 17, of chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b."

"An act amendatory of an act entitled 'an act to incorporate the city of Austin,' approved April 5, 1883."

Senate joint resolution No. 20, "Requesting the Senators and Representatives of Texas in Congress to use their best efforts in behalf of such an understanding between the governments of the United States and the Republic of Mexico as will establish and maintain efficient quarantine laws to prevent the spread of infectious and epidemic diseases on the border of the two nations."

House substitute for Senate bill No. 157, "An act to amend article 430 of section 1, and to repeal section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 529 and 430a, and to create article 426½, and to repeal article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881."

Senate joint resolution No. 33, "Joint resolution proposing an amendment to article 5 of the State Constitution, diminishing the number of terms of county courts."

Senate bill No. 359, "An act to amend 'an act amendatory of title 830, and of the supplement thereto, of the Revised Civil Statutes,' approved February 28, 1883."

Senate bill No. 320, "An act to authorize the councils of certain cities and towns to appoint a board of school trustees."

Senate bill No. 358, "An act to amend section 10 of 'an act to organize the twelfth, sixteenth, seventeenth, twenty-ninth, thirty-fourth and thirty-fifth judicial districts, and to fix the time of holding the courts therein, to change the time for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide a district attorney in the sixteenth judicial district,' approved March 27, 1883."

Senator Pfeuffer offered the following resolution:

Resolved, That the accompanying exhibit of the fiscal affairs and management of the Lunatic, Blind, and Deaf and Dumb Asylums for the years 1880, 1881, 1882 and 1883, showing the average attendance per annum, and cost per capita of maintenance of the inmates, obtained for the use of the Finance Committee, be printed, and 150 copies thereof be distributed for the information of the House and Senate.

Adopted.

The following message was received from the Governor.

EXECUTIVE OFFICE,
AUSTIN, April 12, 1883.

To the Senate:

GENTLEMEN—I respectfully request your advice and consent to the appointment of the following notaries public.

Respectfully,

JOHN IRELAND,
Governor.

El Paso county—J. A. Buckler.
Edwards county—W. P. Walton.

EXECUTIVE OFFICE,
AUSTIN, April 12, 1883.

To the Senate:

I respectfully request your consent to the appointment of R. K. Bradshaw to be notary public for Smith county.

JOHN IRELAND,
Governor.

On motion of Senator Martin, the Senate went into executive session on the messages received from the Governor.

IN SENATE.

On motion of Senator Martin, the Secretary was directed to inform the Governor that the Senate advises and consents to the following appointments of notaries public, and to have the same printed in the journal, to-wit: J. A. Buckler, to be notary public in El Paso county; W. P. Walton, to be notary public in Edwards county; and R. K. Bradshaw, to be notary public in Smith county.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 172, being "An act to amend article 4572 of the Revised Civil Statutes, and to provide the manner of proving estrays;" also, Senate bill No. 355, "An act to diminish the civil and criminal jurisdiction of the county court of Madison county," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Matlock moved to suspend the regular order of business to take up Senate bill No. 228, a bill to be entitled "An act to amend article 860 of the Revised Civil Statutes of Texas."

Senator Shannon moved to recommit the bill to the Committee on Counties and County Boundaries.

Adopted.

The following messages were received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has concurred in Senate amendments to House bill No. 549, "An act to provide for the more efficient management of the Texas penitentiaries."

Also, that the House has passed Senate joint resolution No. 22, "Requiring the Governor to submit all constitutional amendments passed by the Eighteenth Legislature to a vote of the people, and fixing the time at which the election shall be held."

Also, that the House has passed Senate concurrent resolution "To provide for the appointment of a joint committee to draft an address to the people of Texas on constitutional amendments."

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has passed Senate bill No. 350, "An act authorizing the refunding from the State Treasurer from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor," under a suspension of the constitutional rule and by a two-thirds vote, ayes 73, nays 2.

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House refuses to concur in Senate amendments to substitute House bill No. 483, known as the deficiency appropriation bill.

Respectfully,

J. W. BOOTH,
Chief Clerk.

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has passed, under a suspension of the constitutional rule, by a two-thirds vote (ayes 78, nays 2), Senate bill No. 310, "An act to provide for the disposition of the minerals on the public school, university, asylum and public lands of the State of Texas." Also, Senate bill No. 337, "An act to amend articles 66, 67, 68, 70, 71, 72, 73, 74 and 80 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 75 and 79 of the Revised Civil Statutes of the State of Texas, as amended on April 18, 1879, and to add article 68, with amendments."

Respectfully,

J. W. BOOTH,
Chief Clerk.

Senator Shannon moved to suspend the regular order of business and take up substitute House bill No. 483, deficiency bill.

Adopted.

Senator Fleming moved that the Senate insist upon its amendments, and that a free conference committee be appointed by the Senate to act with a like committee from House to settle the disagreements.

Adopted.

The President appointed Senators Fleming, Gooch and Collins.

Senator Farrar moved to suspend the regular order of business to take up Senate bill No. 327, "An act to amend articles 66, 67, 68, 70, 71, 72, 73, 74 and 80 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend articles 75 and 79 of the Revised Civil Statutes of Texas, as amended on April 18, 1879, and to add article 68a," with House amendments.

Adopted.

On motion of Senator Farrar, the Senate concurred in the House amendments.

The following reasons for changing vote from "no" to "aye," on House bill No. 549, were ordered printed in the journal.

Having voted "no" on House bill No. 549, entitled "An act to provide for the more efficient management of the Texas penitentiary," I find that my vote in the negative will result in postponing the time when the act will go into effect for ninety days after the adjournment of the present session of the Legislature, and believing that the act, whether good or bad, should provide a policy that shall take effect and be in operation at once, I change my vote to "aye," in order to accomplish this result.

FARRAR.

Senator Randolph moved to suspend the regular order of business to take up Senate bill No. 166.

The Senate refused to suspend business.

Senator Shannon moved to suspend the regular order of business to take up substitute House bill No. 126, "An act to amend article 4684, of title 95, chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange," etc.

Adopted.

The bill was taken up, and pending adjournment.

On motion of Senator Gooch, the Senate adjourned until 7:30 to-night.

EVENING SESSION.

The Senate met pursuant to adjournment.

The President in the chair.

No quorum being present, the Sergeant-at-Arms was despatched for absent Senators.

Senator Gooch offered the following resolution:

Resolved, That the Secretary, Wm. Neal Ramey, is hereby re-

quired to superintend the printing of the journals, and make a complete index thereto, and he is hereby required, after the adjournment of the Eighteenth Legislature, to make out a list and synopsis of all the unfinished business of the present session; also, a list and captions of all Senate bills that have already or may become laws after adjournment, and forward one to each of the members of the Senate, and upon completion of the journals of this session, to forward a copy of each to every member of the Senate; and for this purpose the Secretary of the Senate shall be, and is hereby, continued in office for sixty days after the adjournment. That such stamps, stationery, etc., as may be necessary for the Secretary to carry out this resolution he shall purchase and pay for out of the contingent fund of this Legislature. The said Secretary to perform all duties beside those herein enumerated that may be required by the Senate.

Adopted.

Senator Fowler offered the following resolution:

Resolved, That W. M. Hunter, Second Assistant-Secretary, be retained in office fifteen days to assist the Secretary at such time as he will need him, in indexing the journals and preparing the caption of bills for publication, and in comparing work, etc., during his labors. The said officer retained shall be paid out of the contingent fund, on certificate of the Secretary, approved by the President of the Senate.

Adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883

Hon. Marlon Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 253, being "An act for the relief of W. S. Anderson, providing for the refunding by the State of the purchase money and taxes on the Bournley league and labor of land, situated in Eastland and Callahan counties, illegally collected by the State," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Matlock offered the following resolution:

Resolved, That the Assistant Sergeant-at-Arms be retained ten days after adjournment to label all furniture, take up carpets and take an inventory of the same, and turn over said property to the proper authority, and that he forward all mail coming to Senate.

Adopted.

Senator Stratton offered the following resolution:

Resolved by the Senate, That in order to enable the Calendar Clerk, J. H. Kirby, to correct his calendar by comparison with the Senate journal, to make a full, complete list of all bills now in his possession, to take the calendar and bills and file same with the Secretary of State, and file his receipt therefor with the Comptroller of Public Accounts; therefore, be it

Resolved, That he be retained ten days after the adjournment of the Legislature, and that during that time he shall render such assistance to the Secretary of the Senate as may be required of him, and receive five dollars per day during that time.

Adopted.

Senator Fleming, for conference committee on deficiency bill, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marlon Martin, President of the Senate, Hon. C. B. Gibson, Speaker of the House of Representatives:

Your committee on free conference, appointed with a view to arranging the differences between the two houses on the general deficiency bill, same being substitute House bill No. 483, beg leave to report that, in accordance with the spirit of the resolution under which they were appointed, they have met together and respectfully recommend the following:

1. That the House concur in amendment allowing \$30 for porter hire for the Commissioners of Appeals at Galveston.

2. That the House concur in the amendment allowing \$159.80 for books and stationery for the Court of Appeals.

3. That the House concur in amendment allowing \$800 for expenses of suit relating to title to certain land connected with the Agricultural and Mechanical College, now pending in the Supreme Court.

QUARANTINE.

4. That the Senate recede from its amendment allowing pay to Sackelford county for quarantine expenses in the small-pox epidemic.

5. That the Senate recede from the appropriation of \$25,000 for quarantine purposes.

STATE OFFICERS.

6. That the Senate recede from its amendment paying T. J. Sink \$166.15 for services as penitentiary guard for 1867-8.

7. That the House concur in amendment qualifying language of appropriation for A. Bledsoe.

8. That the House concur in amendment allowing S. N. Pickens \$207.50.

9. That the House concur in amendment allowing T. J. Hamm \$147, and H. C. Denny \$101.50.

10. That the House concur in amendment to pay the Board of Veterans for services (\$1424), claimants to file relinquishment of all claim for said service heretofore rendered, prior to receiving the benefit of this appropriation.

11. That the House concur in amendment to pay J. B. Smith \$300, balance due on original contract for building the temporary capitol.

12. That the House concur in amendment to pay Thomas Gogan balance due on piano purchased in 1872, \$235.

13. That the House concur in amendment paying Wm. Brueggerhoff for rent of rooms for State officers, \$318.

14. That the House concur in amendment to pay Tom Murrah for rent of office used by the Comptroller and Treasurer, \$170.

15. That the House concur in amendment paying George H. Ragsdale for surveying State University land, out of the university fund, to be paid on the certificate of the Commissioner of the General Land Office that the service was performed, \$400.

16. That the House concur in amendment allowing the Galveston News for publishing notices of meetings of the Commissioners of Appeals, \$12.45, and for advertising bids for asylum supplies, \$65.80—\$78.25.

17. That House concur in amendment to pay M. T. Thompson for office rent, \$38.

18. That the Senate recede from its amendment to pay teachers \$20,000, and that \$15,000 be adopted in lieu thereof.

19. That the House concur in the following amendments to the quarantine deficiency: To pay Christian Hess \$32.62; to pay Duval county \$219.50; to pay Nueces county \$1504.71.

20. That the House concur in amendment to pay claim of Texas rangers prior to January 28, 1861, \$5000.

21. That the House concur in amendment to pay A. W. Riley for publishing citation in escheated suit in Van Zandt county, \$40.95.

22. That the House concur in amendment to pay Geo. Wolfe, sheriff of Lampasas county, to Huntsville, under the direction of the district judge and district attorney, \$290.

23. That the House concur in amendment making allowance for O. M. Roberts jr. and H. L. Spain.

24. Amend by adding in line 10, printed bill, after the word "of," the words "or the counties of;" and in line 11, printed bill, strike out "Brazos," and insert "Brazoria;" strike out the word "and," in same line where it first occurs; and after the word "Cameron" in same line insert "and other." In line 13, printed bill, after word "Comptroller," insert "or when approved by competent authority."

Respectfully submitted.

J. R. FLEMING,
JNO. YOUNG GOOCH,
N. G. COLLINS,
Senate Committee.
W. F. UPTON,
L. L. FOSTER,
C. L. WURZBACH,
House Committee.

On motion of Senator Fleming, the above report was adopted.

Senator Matlock moved to suspend the regular order of business and take up House bill No. 58, "An act to amend article 669, title 17, chapter 2, of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879."

Adopted, and bill taken up and read second time.

Senator Matlock offered the following amendment:

SEC. —. Whereas, this session approaches its close, and time is wanting within which to consider this bill on three several days in each house, and secure its passage by the end of the session, therefore an imperative public necessity is created for the suspension of

the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Adopted, and bill passed to its third reading.

On motion of Senator Matlock, the rules were suspended to put the bill on its third reading by the following vote:

YEAS—21.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Houston, | Peacock, |
| Collins, | Johnston of Shelby, | Perry, |
| Farrar, | King, | Randolph, |
| Fleming, | Kleberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Matlock, | Terrell, |
| Gooch, | Patton, | Traylor. |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

| | | |
|--------------|---------------------|----------------|
| Buchanan, | Houston, | Peacock, |
| Collins, | Johnston of Shelby, | Perry, |
| Cooper, | King, | Randolph, |
| Farrar, | Kleberg, | Shannon, |
| Fleming, | Martin, | Stratton, |
| Fowler, | Matlock, | Traylor. |
| Getzendaner, | Patton, | Mr. President. |
| Gooch, | | |

NAYS—none.

The President signed the following bills:

House bill No. 496, "An act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to such change."

House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature."

House bill No. 84, "An act to amend article 787, title 23, of the Revised Civil Statutes of the State of Texas."

On motion of Senator Johnston of Shelby, Senator Johnson of Collin was excused, on account of sickness.

Senator Kleberg offered the following resolution:

Resolved, That John W. Boynton be allowed pay for services in assisting the Secretary during the great press of business at the close of the session.

Adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 335, being "An act to validate sales of certain lots and blocks of land in the town of Coleman," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Fleming moved to suspend the regular order and take up Senate bill No. 367, "An act to locate and provide for the organization of the county of Reeves."

Adopted, and bill taken up, with House amendments

On motion of Senator Fleming, the House amendment was concurred in.

Substitute House bill No. 126, "An act to amend article 4684, of title 95, chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange," etc., being the business pending on adjournment, was taken up and read second time, and passed to a third reading.

On motion of Senator Shannon, rules were suspended to put bill on third reading by the following vote:

YEAS—21.

| | | |
|-----------|--------------|---------------------|
| Buchanan, | Farrar, | Gooch, |
| Chesley, | Fleming, | Houston, |
| Collins, | Fowler, | Johnston of Shelby, |
| Cooper, | Getzendaner, | King, |

Martin,
Matlock,
Patton,

Peacock,
Randolph,
Shannon,

Stratton,
Terrell,
Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—21.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Houston, | Perry, |
| Cooper, | Johnston of Shelby, | Randolph, |
| Farrar, | King, | Shannon, |
| Fleming, | Martin, | Stratton, |
| Fowler, | Matlock, | Terrell, |
| Getzendaner, | Patton, | Traylor. |

NAYS—none.

On motion of Senator Buchanan, the regular order of business was suspended and Senate bill No. 361, "An act to exempt students in actual attendance upon institutions of learning, and who are non-residents of the road districts in which such institution is situated, from road duty in such districts," was taken up, read second time and ordered engrossed.

On motion of Senator Buchanan, the rules were suspended to put bill on its third reading by the following vote:

YEAS—22.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Houston, | Perry, |
| Collins, | Johnston of Shelby, | Randolph, |
| Cooper, | King, | Shannon, |
| Farrar, | Martin, | Stratton, |
| Fowler, | Matlock, | Terrell, |
| Getzendaner, | Patton, | Traylor. |
| Gibbs, | | |

NAYS—none.

- Bill read third time and passed.

Senator Peacock moved to suspend the regular order of business and take up House bill No. 226, "An act to amend article 2266, chapter 4, title 38, of the Revised Civil Statutes, charging the time of filing counter affidavits in cases where the action or defense is founded upon a sworn account."

Adopted, and bill taken up and read second time.

Senator Peacock offered the following amendment:

SEC.—The near approach of the close of the session, the importance of this bill and the improbability that it would be reached in the regular order of business, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended.

Adopted.

Senator Peacock moved to suspend the rules and place bill on its third reading.

Adopted by the following vote:

YEAS—23.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Houston, | Perry, |
| Collins, | Johnston of Shelby, | Randolph, |
| Cooper, | King, | Shannon, |
| Farrar, | Kleberg, | Stratton, |
| Fleming, | Martin, | Terrell, |
| Fowler, | Matlock, | Traylor. |
| Getzendaner, | Patton, | |

NAYS—none.

Bill read third time and passed.

A message was received from the House informing the Senate of the passage by that body of House bill No. 550, "An act to receive the surrender of the corporate rights and franchises of the Jefferson Iron Company, and to amend the charter of the same."

Senator Matlock moved to suspend the regular order to take Senate bill No. 406, "An act to amend article 1190

of the Revised Civil Statutes, so as to make the provisions of the article apply to foreign as well as domestic corporations."

Adopted, bill taken up, read second time, and passed to third reading.

Senator Terrell moved to suspend the regular order to take up House bill No. 509, "An act to amend article 4742 of the Revised Civil Statutes of Texas."

Adopted, bill taken up, read second time and passed to third reading.

Senator Terrell moved to suspend rule and place bill on its third reading.

Adopted by the following vote:

YEAS—23.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Houston, | Perry, |
| Collins, | Johnston of Shelby, | Randolph, |
| Cooper, | King, | Shannon, |
| Farrar, | Kleberg, | Stratton, |
| Fleming, | Martin, | Terrell, |
| Fowler, | Matlock, | Traylor, |
| Getzendaner, | Patton, | |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—23.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Houston, | Perry, |
| Collins, | Johnston of Shelby, | Randolph, |
| Cooper, | King, | Shannon, |
| Farrar, | Kleberg, | Stratton, |
| Fleming, | Martin, | Terrell, |
| Fowler, | Matlock, | Traylor, |
| Getzendaner, | Patton, | |

NAYS—none.

Senator Cooper offered the following resolution:

Resolved by the Senate, That in order to enable the Enrolling Clerk, J. E. Kauffman, to collect and prepare report of all Senate bills which have passed both houses of the Eighteenth Legislature, and turn engrossed copies of same over to the Secretary of State, five days from and after adjournment be allowed him.

Adopted.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 12, 1883.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed, by a two-thirds majority, Senate bill No. 367, "An act to create and provide for the organization of the county of Reeves." Also, that the House has passed, under a suspension of the rules, Senate bill No. 326, as recommended by the Senate, the same having been vetoed by the Governor, and afterwards amended by the Senate; yeas, 76; nays, 7.

Respectfully,

J. W. BOOTH,
Chief Clerk.

The President laid before the Senate Senate joint resolution No. 22, "Requiring the Governor to submit all constitutional amendments passed by the Eighteenth Legislature to a vote of the people, and fixing the time at which the election is to be held."

Resolution taken up with House amendment.

On motion of Senator Gooch, the Senate concurred in the House amendment.

Senator Gooch moved to adjourn till 8:45 to-morrow.

Senator Martin moved to amend by fixing the hour at 9 o'clock to-morrow.

Lost by the following vote:

YEAS—9.

| | | |
|--------------|---------------------|---------|
| Cooper, | Houston, | Martin, |
| Farrar, | Johnston of Shelby, | Patton, |
| Getzendaner, | Kleberg, | Perry, |

NAYS—14.

| | | |
|-----------|-----------|-----------|
| Buchanan, | Gibbs, | Shannon, |
| Chesley, | King, | Stratton, |
| Collins, | Matlock, | Terrell, |
| Fleming, | Peacock, | Traylor, |
| Fowler, | Randolph, | |

Senator Gooch moved to adjourn till 8:30 to-morrow.
Adopted.

SEVENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 13, 1883.

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Prayer by Dr. Smoot, the Chaplain.

Senator Kleberg moved to dispense with the reading of yesterday's journal.

Adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 361, being "An act to exempt students of institutions of learning from road service in certain cases," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 20, being "A joint resolution requesting the Senators and Representatives in Congress from Texas to use their best efforts in behalf of such an understanding between the government of the United States and that of the Republic of Mexico as will establish and maintain efficient quarantine laws to prevent the spread of infectious and epidemic diseases on the border of the two nations," and find the same correctly enrolled, and have this day, at 8:30 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 354, being "An act to be entitled 'an act to repeal so much of an act entitled an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston," and find the same correctly enrolled, and have this day, at 8:30 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 320, being "An act to authorize the councils of certain cities and towns to appoint a board of school trustees," and find the same correctly enrolled, and have this day, at 8:30 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, April 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and